

**Drawing Amendments:**

A copy of the Petition under Rule 182 as filed with the USPTO in the above-identified application on October 13, 2004, as obtained from the USPTO Patent Application Information Retrieval system is attached herewith. This copy of the Petition includes a date-stamped copy of Figures 1-10 (6 sheets) as originally filed in the above-identified application on April 8, 2004.

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Xuming Xiong, et al.

Title: BIAXIALLY-TEXTURED FILM DEPOSITION FOR  
SUPERCONDUCTOR COATED TAPES

App. No.: 10/821,010 Filed: April 8, 2004

Examiner: UNASSIGNED Group Art Unit: 1775

Customer No.: 34456 Confirmation No.: 9314

Atty. Dkt. No.: 1014-SP215-US

---

MS MISSING PARTS  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER RULE 182**

Dear Sir:

In response to the Notice of Omitted Items in a Non-Provisional Application dated August 13, 2004 (copy enclosed), Applicants submit herewith evidence that drawing sheet number 5 containing FIGs. 8 and 9 was filed as a part of the originally filed application. In particular, submitted herewith is a copy of Applicants' Postcard Receipt date-stamped by the PTO on April 8, 2004, indicating receipt of the application papers marked on the postcard. As noted on the postcard, six sheets of drawings were submitted and acknowledged by the PTO. In addition, enclosed herewith is a copy of the Utility Patent Application Transmittal submitted with the original filing, also bearing and indication of six sheets of drawings.

To complete the file of the PTO, Applicants enclose herewith a copy of all six sheets of the originally filed drawings, which includes sheet number 5 containing FIGs. 8 and 9 noted in the Notice of Omitted Items. Under MPEP §503, the enclosed Postcard and Utility Patent Application Transmittal provide *prima facie* evidence that the USPTO has received all items

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on <u>10-18-04</u> .	
Elise K. Dougherty Typed or Printed Name	Signature

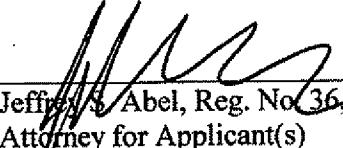
listed thereon. Accordingly, the PTO is requested to update its file to contain FIGs. 8 and 9 and to provide Applicants with notice of the update.

Since it should be properly determined that FIGs. 8 and 9 were indeed received by the USPTO, it is believed that no petition fee is necessary. However, to the extent that the PTO requires a petition fee under Rule 17(h) for entry of this petition, the PTO is authorized to charge Applicants' representatives' deposit account number 50-2469.

Respectfully submitted,

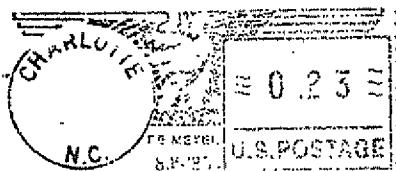
Date

10/13/04

  
Jeffrey S. Abel, Reg. No. 36,079  
Attorney for Applicant(s)  
TOLER, LARSON & ABEL, L.L.P.  
5000 Plaza On The Lake, Suite 265  
Austin, TX 78746  
(512) 327-5515 (phone)  
(512) 327-5452 (fax)



RECEIVED  
APR 15 2004



DOUGHERTY, CLEMENTS & HOFER

Dougherty, Clements & Hofer  
1901 Roxborough Road, Suite 300  
Charlotte, NC 28211

20

Applicant: Xidong et al. Docket Ref. No. SP#215(323) MD KK  
Title: Bi Axially -Textured Film Deposition for Superconductor.

Serial/Patent No. \_\_\_\_\_ Date Sent: 4/18/2004

Certificate of Mailing  1st Class Mail  Ex Mail No. EV 402 539 192 US

New Patent App:  Utility  Design  Prov  Cont  CIP  Div  PCT  CPA  RCE

35 pages of Application

10 sheets of Formal/Informal Drawings

Cover Letter

Fee Transmittal (Form SB17)

Response/Amendment

\_\_\_\_\_ pages

Information Disclosure Statement

Form PTO 1449

\_\_\_\_ copies of cited references

Preliminary Amendment

Response to Missing Parts Notice

Certified Copy of Priority Doc.

Claim of Convention Priority

Post Card Receipt

Paid by:  Deposit Account  Credit Card (Form Enclosed)  Check Enclosed

PLEASE INDICATE SERIAL NUMBER HEREON

LAPL: GNC/Kat

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT  
THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/05 (08-03)

Approved for use through 07/31/2009. OMB 0651-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 3723 (#215)

First Inventor Xiong et al

Title Blaxally-Textured . . .

Express Mail Label No. EV 402539142 US

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages 35]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (*if filed*)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
- Oath or Declaration [Total Sheets 4]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
  - c.  DELETION OF INVENTOR(S)  
*Signed statement attached detailing Inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).*
- Application Data Sheet, See 37 CFR 1.76

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statements verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney  
*(when there is an assignee)*
11.  English Translation Document *(if applicable)*
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: *Please list to Make Special*

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation       Divisional       Continuation-in-part (CIP)      of prior application No. ....

Prior application Information: Examiner \_\_\_\_\_ Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

### 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number:	22474	<input type="checkbox"/> OR <input type="checkbox"/> Correspondence address below
Name	Gregory N. Clements	
Address	DOUGHERTY, CLEMENTS & HOFER 1801 Roxborough Road, Suite 300	
City	Charlotte	State NC Zip Code 28211
Country	USA	Telephone 704.366.6642 Fax 704.366.9744
Name (Print/Type)	Gregory N. Clements	Registration No. (Attorney/Agent) 30,713
Signature	<i>Gregory N. Clements</i>	
Date	April 8, 2004	

This collection of information is required by 37 CFR 1.53(b). This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.